

## **Amendments To The Specification**

Please replace the text at page 4, line 13 through page 5, line 13 in its entirety with the following:

The present invention meets the need in the art by providing a fence panel that readily adjusts to conform substantially to a slope of a terrain during installation of the fence panel while restricting unsightly rolling of the components of the fence panels. The fence panel comprises a first rail and a second rail disposed in parallel, spaced-apart relation to each other and defining a longitudinal length of the fence panel. Each of the first rail and second rail define respective opposing first longitudinal edge and second longitudinal edge spaced apart relative to a terrain surface, and the rails are disposed at an angle relative to horizontal. A pair of spaced-apart end pickets are disposed substantially perpendicular to horizontal on a first side of the first rail and the second rail at opposing longitudinal end portions of the first rail and the second rail. The end pickets attach to the rails by a fastener or weld between each of the end pickets and the respective first longitudinal edge of the first rail and the second rail. A plurality of interior pickets are disposed substantially perpendicular to horizontal on a first side of the first rail and the second rail. The interior pickets are spaced-apart between the end pickets. The interior pickets attach to the first rail and the second rail by a fastener or weld between each of the interior pickets and the respective second longitudinal edge of the first rail and the second rail. The end pickets and the interior pickets connect on opposing longitudinal edges of the first rail and the second rail so that the fence panel, being racked by moving opposing ends of the panel in opposing vertical directions relative to the terrain surface, conforms a slope of the first rail

and the second rail substantially to a slope of the portion of the terrain surface by changing the angle between the end and inner pickets and the first and second rails while the end and interior pickets remain substantially perpendicular to horizontal without the first and second rails rolling away from the inner and outer pickets.

In another aspect, the present invention provides a method of making a fence section for tracking a sloped grade during installation of a fence over a terrain, comprising the steps of:

(a) disposing a pair of rails parallel and spaced-apart at an angle to a horizontal plane to define a longitudinal length of a fence panel, the rails defining opposing first and second side edges relative to a terrain;

(b) attaching a plurality of inner pickets to a side of the rails and disposed substantially perpendicular to the horizontal plane with fasteners between the inner pickets and the first side edge of the rails; and

(c) attaching a pair of opposing outer pickets to a side of the rails at opposing ends of the rails and disposed substantially perpendicular to the horizontal plane by fasteners between the outer pickets and the opposing second side edge of the rails,

whereby the attachment of the inner pickets to the rails opposing the attachment of the outer pickets to the rails, restrict the rails from rolling away from the inner and outer pickets while racking the fence section by moving opposing ends of the fence section in opposing directions transverse to the longitudinal axis of the rails to conform a slope of the rails substantially to a slope of a portion of the terrain by changing the angle between the inner and outer pickets and the rails while the inner and outer pickets remain substantially perpendicular to horizontal.